

## **Licensing Sub-Committee**

**Monday, 7th July, 2014**

**PRESENT:** Councillor R Downes in the Chair  
Councillors B Gettings and K Bruce

**7 Election of the Chair**

**RESOLVED** – That Councillor Downes be Chair for the duration of the Meeting

**8 Appeals Against Refusal of Inspection of Documents**

There were no appeals against refusal of inspection of documents.

**9 Exempt Information - Possible Exclusion of the Press and Public**

There was no exempt information on this occasion.

**10 Late Items**

There were no formal late items. However there was supplementary information which had been received by all parties prior to the hearing.

**11 Declarations of Disclosable Pecuniary Interests**

There were no declarations of interest.

**12 Application to vary a premises licence held by Turkuaz Restaurant 20 - 22 Harrogate Road, Rawdon, Leeds, LS19 6HJ**

Members of the Licensing Sub-Committee were asked to consider an application to vary a premises licence held by Turkuaz Restaurant 20-22 Harrogate Road, Rawdon, Leeds, LS19 6HJ.

The application was to extend the operating hours until 11pm.

The application had received representations from Planning Services and Environmental Protection Team in their capacity as a responsible authority.

The applicant was not in attendance at the hearing, he was however represented by his Solicitor Mr Goldsborough. Mr Goldsborough informed the Members of his concerns in relation to inconsistencies in Licensing and Planning applications and of his view that this application should have been adjourned.

The Chair asked all parties to state their views on an adjournment. All parties were asked to leave the room while the Committee considered the representations made.

The Members were in agreement that the hearing should take place all parties were reminded that this Committee was there to ensure that the Licensing Objectives were adhered to and that the Licensing Act was separate to the Planning Act.

The Licensing Entertainment Officer outlined the application for the Committee, providing the Members with a brief history of the premises and a summary of

application for the sale of alcohol both on and off the premises 11:00am until midnight every day and late night refreshment 23:00 until midnight every day.

Mr Goldsborough asked for clarification that the licence was currently for the entirety of the premises 20-22 Harrogate Road. The Licensing officer clarified this point.

Mr Goldsborough informed the Committee that the restaurant was used by people in the locality with the weekends being the busiest time. His client was of the view that there would be no increase of footfall as the premises would still be serving the same amount of covers. Members were told that the restaurant is a popular place with tables being pre-booked. The restaurant serves Mediterranean style food of small portions eaten over a long period.

Members were informed that the restaurant is located in a parade of shops with no residential properties in close proximity and that no representations had been received from local residents in relation to this application.

Mr Goldsborough informed the Members that in relation to the representation made by Environmental Protection Team his client had liaised with them to address the reduction of odours from the kitchen. Planning issues in relation to opening hours and the use of the outside seating area and the use of the premises from a bistro to a restaurant were to be submitted to planning within the next seven days.

The Officer from Environmental Protection Team informed the Committee that there had been current and previous complaints in relation to music through open doors and patrons outside the premises either smoking or leaving the premises. Members were informed that the seating area is to be cleared by 6pm. Members were informed that there is a flat adjoining the hotel and residential flats above the shops opposite.

Environmental Protection Team was of the view that with the extension of hours it would increase noise levels until later in the night and there was still the facilitation of smokers outside the premises to be addressed.

The officer stressed the conditions imposed as set out in the submitted report at Appendix F.

The Officer from Planning Services informed Members that the premises were authorised for A3 use as a café and a previous application had been refused for use as a restaurant. Members' attention was drawn to the map of the submitted report at Appendix D highlighting residential properties within the locality.

The Committee was informed that a number of objections had been received in relation to the planning application and the use of the premises as a restaurant. He also informed them that the outside area at the front of the premises was restricted to 18:00 hours as there was the potential to cause a disturbance.

Members carefully consider the report and the representations that had been made at the hearing, they took into account

- The main road is a thoroughfare to the airport with a large volume of traffic passing these premises.
- The premises are currently open until 11pm serving food up until 10pm.
- Use of the outside seating area and a removal of the outside facilities
- Extraction system for odours which should be regularly serviced
- Proximity of residents
- Current conditions as outlined by Environmental Protection Team to meet the licensing Objectives
  - Prevention of Public Nuisance
- Conditions 1,3,4,5,6 would remain as set out in the submitted report at Appendix F
- Condition 2 - to have 'after 8pm' incorporated
- Condition 7 - The outside seating area to close at 20:00 and 'suitably withdrawn' means taken out of use and not made available after 20:00
- Condition 8 - Smokers to be monitored after 20:00
- Condition 9 - A suitable odour extraction system as agreed with the Environmental Protection Team to be installed before extended licence takes effect

**RESOLVED** – That the Licensing Sub-Committee granted the licence for the sale of alcohol as the amended application to 23:00 hours closing to the public at 23:30hours with imposed conditions as applied for by Environmental Protection Team.

The Licensing Sub-Committee refused licensable activities or late night refreshment.